



Entered on Docket
November 03, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST
ONMIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED ENTIRELY UPON
INVESTMENT IN THE GARDENS
\$2.425 LOAN**

Hearing Date: October 21, 2010
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the "First Omnibus Objection Of USACM Trust To
2 Proofs Of Claim Based Entirely Upon Investment in The Gardens \$2.425 Loan (the
3 "Gardens \$2.425") [DE 8164] (the "Objection"); the Court having heard the Objection on
4 October 21, 2010; appropriate notice of the Objection having been given; no response to
5 the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 8164] is sustained; and
8 2. The claims listed on **Exhibit A** attached are disallowed in their entirety since
9 those claims are based upon an investment in the Gardens \$2.425 Loan.

10
11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13
14 By /s/ Robert M. Charles, Jr. (# 6593)
15 Robert M. Charles, Jr.
16 John Hinderaker (*pro hac vice*)
17 3993 Howard Hughes Parkway, Ste. 600
18 Las Vegas, Nevada 89169-5996
19 Telephone: (702) 949-8320
20 Facsimile: (702) 949-8321

21 *Attorneys for USACM Liquidating Trust*
22
23
24
25
26

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.
Attorneys for USACM Liquidating Trust

#

THE GARDENS, LLC \$2,425,000 LOAN

EXHIBIT A
First Omnibus Objection
Single Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In The Gardens, LLC \$2,425,000 Loan
10725-02524	Robert E. Burnett, Jr.	PSC 2 Box 6533 APO AE 09012	\$50,000.00	\$50,000.00
10725-00485	Boren Living Trust Dtd 6/21/04	Richard D. and Connie L. Boren Ttees 5333 SW 75th St., Apt. E-34 Gainesville, FL 32608-7449	\$50,000.00	\$50,000.00
10725-02213	Lynda L. Pinnell IRA	9915 Saddleback Dr. Lakeside, CA 92040	\$128,729.46	\$64,364.73
10725-01895	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448-2475	\$10,309.28	\$10,309.28
10725-02427	Nancy C. Serino IRA	177 Rainbow Dr. #7730 Livingston, TX 77399-0001	\$1,699.89	\$1,699.89